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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,357	09/14/2004	Tianmo Lei		5356
35920	7590	03/01/2006		
TIANMO LEI 814 BETLIN AVENUE CUPERTINO, CA 95014				EXAMINER LABAZE, EDWYN
			ART UNIT 2876	PAPER NUMBER

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PN

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/711,357	LEI, TIANMO	
	<b>Examiner</b>	<b>Art Unit</b>	
	EDWYN LABAZE	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 November 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Receipt is acknowledged of amendments filed on 11/28/2005.
2. Claims 1-4 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhaskaran et al. (US 2004/0141630) in view of Yamamoto (U.S. 5,802,179).

Re claims 1-4: Bhaskaran et al. discloses method and apparatus for augmenting a digital image with audio data, which includes means for recording and digitizing the sound to produce a digital sound data using microphone and various recorders (paragraphs 49-55); means for entering the digital sound data into a PC (paragraphs 37+); means for compressing and encoding the digital sound data into a barcode using the PC (paragraphs 35+, 41-49); means for printing the barcode on to the side of the photograph, which appears as a graphic picture, using the PC and a printer (paragraphs 34-37); means for printing the barcode on to the back of the photograph, which appears as a graphic picture, using the PC and a printer (paragraphs 38+); means for scanning the graphic picture to produce digital data representing the information of the barcode, using the PC and a scanner (paragraphs 38+, 67+); means for decoding and uncompressing the digital data of the barcode to produce the digital sound data, using the PC

(paragraphs 41-45); means for playing the digital sound data to sound, using the PC (paragraphs 35-36). Bhaskaran et al. further teaches that the audio augmented digital images may be provided to a cellular phone (paragraph 33), a digital camera (paragraphs 36+, 49+; also see claim 28).

Bhaskaran et al. fails to specifically suggest a microphone and various recorders for recording the sound, and wherein the bar code is a 2-dimensional bar code, and a speaker.

Yamamoto discloses information processor having two-dimensional bar code processing function, which includes a microphone 11 and various recorders for recording the sound, and wherein the bar code is a 2-dimensional bar code (col.4, lines 30-67; col.6, lines 11), and a speaker 14 (col.7, lines 29-67).

In view of Yamamoto's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Bhaskaran et al. a microphone and various recorders for recording the sound, and wherein the bar code is a 2-dimensional bar code so as to record the audio data into the personal computer and the 2-D barcode for encode substantially larger data file. Furthermore, such modification would enable sound information and function as a sound input portion through the microphone, and wherein the two-dimensional barcode is beneficial to easily store photographs, images of maps, and sound information. Moreover, such modification would have been obvious an extension as taught by Bhaskaran et al., therefore an obvious expedient.

#### *Response to Arguments*

5. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Williams et al. (U.S. 6,610,386) discloses transferable support for applying data to an object.

Akamine (U.S. 6,629,635) teaches information recording medium, information processing method, information processing apparatus, and program recording medium.

Mikaye (U.S. 6,853,736) discloses image-processing apparatus, image processing method and storage medium.

Sasaki et al. (U.S. 6,964,373) teaches recording medium and coded image reader apparatus.

Yoshiro (US 2002/0018138) discloses image pickup device, image pickup device control method and image processing method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
February 13, 2006

THIEN M. LE  
PRIMARY EXAMINER